

Bill Number Title/Sponsor/Summary**Positions**

[POSITIONS ARE ACCORDING TO THE LAST VERSION REVIEWED BY THE COMMITTEES. IF A LATER VERSION WAS PASSED, YOU WILL SEE IT LISTED WITHOUT TEXT.]

HB0034S01	Unlawful Controlled Substances in Correctional Facilities	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Christensen</i>	Party: R)	S/C	S/C	S/C	SUP	---	---

[ENROLLED] Requires the court to order one additional year (and allows up to five additional years to be ordered), to run consecutively, for violating the controlled substance laws if the occurrence was inside the exterior boundaries of property occupied by any correctional facility or any public jails or place of confinement. Requires the correctional facility to make rules for providing written notice to visitors of prohibited items and penalties for distributing any controlled substance. Provides for a Class A misdemeanor for anyone providing or selling, directly or indirectly, contraband tobacco to an offender. Persons may be required to submit to search of their persons or properties. [FN=It is estimated that provisions of this bill can be implemented with existing resources.]

HB0036S01	Management, Enhancement, and Funding of 911 System	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Brad Dee</i>	Party: R)	SUP	---	---	SUP	SUP	SUP

[S2 ENROLLED]Creates the Utah 911 Committee in DPS to develop standards and imposes a fee on wireless and land-based telephones to create a statewide unified emergency 911 system with capability of geographically locating a wireless telephone user's location. Committee to report to Executive Appropriations Committee annually. Identifies committee members from various Primary Emergency Public Safety Answering Points, DPS, and the Utah Committee of Consumer Services, with each member appointed by the governor with consent of the Senate. Sets out duties and powers for committee members. Creates a 13 cent per month fee for E-911 emergency services; assigns Tax Commission for administration, collection and enforcement of fees. Authorizes local government to increase local levy for 911 services from 53 cents per month to a max of 65 cents per month. The 13 cent state E-911 fee reduces to eight cents in 2006; and sunsets the state fee on 1/1/2011. Repeals the advisory Utah 911 Committee. Allows exchange carriers some cost recovery for implementing Phase I technology. This bill appropriates \$3.2 million from the Statewide Unified E-911 Emergency Service Fund to the Utah 911 Committee. \$250,000 from the Statewide Unified E-911 Emergency Service Fund to the Automated Geographic Reference Center in the Division of ITS.

HB0036S02	Management, Enhancement, and Funding of 911 System	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Brad Dee</i>	Party: R)						

[ENROLLED]

HB0037	Sunset Reauthorizations	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Greg Curtis</i>	Party: R)	SUP	SUP	SUP		SUP	SUP

[ENROLLED] Reauthorized CCJJ to the year 2014. [FN=Provisions of this bill can be enacted within existing budgets.] AMENDMENT: Removes CCJJ from reauthorization.

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HB0050S01	Automobile Crime Prevention (<i>DeMar Bowman</i>)	Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV NP	UBJJ ---
Establishes the Automobile Crime Prevention Board within the Department of Public Safety for programs to decrease automobile crime. Adds \$1 to application for registration or renewal of registration of a motor vehicle. Funds will be deposited in the General Fund as a dedicated credit for the operation of the Board. Sets out guidelines for the operation and purpose of the Board. Provides that the Board may receive gifts, grants, devises, and donations for the purposes of the Board and the administration costs.								
HB0054S01	Videotape of Minors (<i>Wayne Harper</i>)	Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC OPP	UCV OPP	UBJJ OPP
[S2 ENROLLED] Requires all interviews of children during an investigation in child welfare cases to be recorded visually and aurally on film, videotape, or by other electronic means; both the interviewer and child shall be simultaneously recorded; the time and date shall be visible or clearly stated; and the recording equipment shall run for the duration of the interview. [FN=Fiscal impact of the legislation to DCFS is estimated at \$354,500 (\$290,700 General Fund) for FY05, which includes six additional staff FTEs and some one-time equipment purchases. For FY06, the continuing cost is estimated at \$283,200 (\$232,200 General Fund). The federal funds would be drawn down dependent on the expenditure of state funds.] AMENDMENT: If reasonably available, interviews to be conducted in an existing Children's Justice Center (CJC) or other interview room; if not, the interviewer shall use the best equipment and setting available. A worker shall be encouraged to aurally record the interview. A parent or guardian cannot be prohibited from audiotaping the interaction between the child and the worker.								
HB0061S01	Child Welfare Investigations (<i>Mike Thompson</i>)	Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC OPP	UCV OPP	UBJJ OPP
[ENROLLED] Prohibits a state officer, peace officer, or child welfare worker from entering the home of a minor who is not under the jurisdiction of the court , to remove a minor from the minor's home or school, or take a minor into protective custody unless they have obtained: the consent of the minor's parent or guardian, or a court order, or exigent circumstances exist.								
HB0068S01	Criminal Penalty Amendment (<i>David Litvack</i>)	Party: D)	CCJJ SUP	USC SUP	USAAV S/C	LELC SUP	UCV S/C	UBJJ SUP
Provides for a one degree enhanced penalty for an offense committed because of bias or prejudice against a group. Defines group to mean race, color, disability, religion, sexual orientation, national origin, ancestry, age, or gender of any individual or group of persons, whether actual or perceived. Provides that the bias or prejudice cannot be found solely on evidence of the defendant's mere beliefs, associations, or expressions unless the evidence is relevant to the defendant's motive and is admissible under the Utah Rules of Evidence. [FN= It is estimated DOC will require General Fund appropriations of \$12,500 in FY05 and \$37,500 each fiscal year thereafter. Additional General Fund appropriations may be required after FY06 to deal with lengthier stays of incarceration for offenders of provisions of this bill.]								
HB0073	Pattern of Unlawful Activity Act Amendments (<i>Ty McCartney</i>)	Party: D)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV ---	UBJJ ---
[ENROLLED] Adds unemployment insurance fraud to the crimes included in the definition of unlawful activity in the Pattern of Unlawful Activity Act. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]								

Bill Number	Title/Sponsor/Summary	Positions					
HB0077	Felony Assault Amendments (<i>Craig A. Frank</i> Party:)	CCJJ SUP	USC NP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP

Provides for an enhanced penalty of third degree felony for assault on a firefighter acting within the scope of his authority. Increases the enhanced penalty from a class A misdemeanor to a third degree felony for assaulting a police officer, an emergency medical technician or health care provider.

HB0081	Criminal Law Intent Amendment (<i>Ty McCartney</i> Party: D)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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[ENROLLED] Where intentionally causing a result is an element of an offense, that element is established even if a different person than the actor intended was killed, injured, or harmed, or different property than the actor intended was damaged or otherwise affected. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]

HB0093	DNA Reimbursement Costs (<i>J. Adams</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ ---
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[ENROLLED] Allows agencies to recover the cost of obtaining a DNA specimen (\$75) from an offender by collecting the funds from the inmate's county trust fund account; allows for a negative account balance to collect the funds. [FN=It is estimated that provisions of this bill may have a small positive fiscal impact, but it is not possible to quantify.]

HB0097	Protective Order Amendments (<i>Kory Holdaway</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC ---	UCV S/C	UBJJ SUP
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[ENROLLED] Allows AOC designated court clerks limited access to the MIS system for child protective orders to review records related to a child or parties to a case; and to request law enforcement records for investigations of child abuse or neglect. Allows the juvenile court to transfer jurisdiction for child protective orders to a district court. Reduces the time a respondent can petition for dismissal of a criminal portion of the order from three to two years. [FN=It is estimated that the DCFS will require a one-time General Funds approp. of \$10,500 in FY05 to reprogram its computer system to conform to provisions of the bill. DCFS will receive Federal Funds contingent on state funding. It is estimated that AOC can implement provisions of this bill with existing resources.]

HB0109S01	Legal Presence Provisions (<i>Mike Thompson</i> Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC OPP	UCV ---	UBJJ OPP
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Allows for the division to make rules for acceptable documentation of an applicant's identity, proof of legal presence and other proof or documentation. Adds the following if applicant does not have a SSN: proof that an applicant is a citizen of a country other than the US, proof that the applicant does not qualify for a SSN; and proof of legal presence in the US as authorized under federal law. Requires the Highway Patrol to: establish and implement procedures for recognizing, identifying and reporting detained persons who are not legally present in the USA; cooperate with the US Citizenship and Immigration Services for the enforcement of legal presence laws; and training and updating troopers to implement new procedures. Prohibits a government entity from accepting a matricula card as proof of personal identification. Repeals, as a substitute for a SSN, the use of a temporary identification number issued by the IRS for

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purposes of obtaining a driver license or identification card. (See SB242) [FN=It is not known how many applicants of ID cards and driver licenses using ITIN numbers are here in the state illegally. Therefore, it is estimated that provisions of this bill could reduce state revenues from ID cards and driver license applicants using ITIN numbers by up to \$554,000 in FY05 and up to \$593,500 in FY06.]

HB0121 Code of Criminal Procedure Amendments
(*Jack Seitz* Party: R)

CCJJ USC USAAV LELC UCV UBJJ
SUP SUP SUP SUP SUP ---

[ENROLLED] Clarifies conditions under which misdemeanor and infraction traffic violations may be compromised. Allows the same surcharges to be imposed on fees paid as part of plea in abeyance agreements as are imposed on a fine for a criminal conviction. Pleas in abeyance may be entered without personal appearance before a magistrate. [FN=Any impact can be absorbed within existing budgets. The state and counties can also expect to receive additional revenue, although the amounts are not quantifiable.]

HB0123S01 Drug Lab Cleanup and Disclosure
(*David Litvack* Party: D)

CCJJ USC USAAV LELC UCV UBJJ
SUP --- SUP SUP SUP ---

[ENROLLED] Requires law enforcement agencies to report contaminated property locations to the local health department. Requires the local health department to make these reports available to the public, notify the property owner of the report and allow for the removal of the listing when requirements have been met. Requires the local health department to notify the county or municipality if the property owner is not taking action regarding the contamination. Directs the Department of Health to make rules regarding certification standards for decontamination specialists. Requires DEQ to establish a certification program for decontamination specialists. Requires clean-up of contamination and certification that a contaminated property has been cleaned up.

HB0128S02 Amendments to Operating Under the Influence
(*Dana Love* Party: R)

CCJJ USC USAAV LELC UCV UBJJ
SUP SUP SUP SUP SUP SUP

[ENROLLED] Provides that if a person is 21 years of age or older and has a passenger under 16 years of age in the vehicle, the illegal per se limit of blood or breath alcohol concentration is .05 for a driver with a prior driving under the influence conviction. Provides that chemical analysis of a person's oral fluids is an authorized chemical test under the implied consent provisions. Requires the commissioner of DPS to establish standards for the administration, interpretation, and training of chemical analysis of oral fluids. Provides a class B misdemeanor if the person is driving while the license has been suspended, disqualified, or revoked for a DUI and has any amount of alcohol in the body. Provides sentencing requirements for driving on suspension for certain violations with any amount of alcohol in the body. Requires CCJJ to study child endangerment for driving under the influence violations.[FN=Provisions of this bill will increase workload for some law enforcement agencies, but those increases can be handled with existing budgets. There is a probability that more fines and penalties will be assessed because the bill lowers the BAC from 0.08 to 0.05 when minors are in the vehicle.]

HB0135 Notification of School District of Violent Offense by a Student
(*M. Lawrence* Party: R)

CCJJ USC USAAV LELC UCV UBJJ
S/C --- S/C SUP SUP S/C

[S1 ENROLLED] Requires law enforcement agencies taking a minor into custody or detention for violent crimes or weapons violations to notify the school district in which the minor resides or attends school. Allows a school district to establish a process with a law enforcement agency for providing notice. Classifies notice to superintendents as protected under GRAMA. Requires the court to provide the school superintendent where the victim resides or attends school with the notice of adjudication. [FN=Provisions of this bill may be handled within existing resources.]

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HB0135S01	Notification of School District of Violent Offense by a Student (<i>M. Lawrence</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ

[ENROLLED]

HB0138	Trespassing on State Park Lands (<i>Sheryl Allen</i> Party: R)	CCJJ HOLD	USC HOLD	USAAV ---	LELC	UCV ---	UBJJ ---
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[ENROLLED] Creates a class B misdemeanor for criminal trespass on state park lands and is liable for civil damages if a person: without authorization enters or remains on state park land; uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization; knowingly or intentionally uses state park lands for commercial gain; grazes livestock on state park lands without authorization; uses or occupies state park lands in violation of division rules; or remains after being ordered to leave. [FN=This bill may increase revenues to the General Fund Restricted - State Parks Fees Account if the Division of Parks and Recreation takes and wins civil actions against criminal trespassers. However, the number of actions and the amount of damages are impossible to predict. Individuals who are guilty of criminal trespass on state park lands will face a class B misdemeanor charge and will be liable for civil damages.]

HB0139	Evidence Amendments (<i>Joseph Murray</i> Party: R)	CCJJ HOLD	USC HOLD	USAAV HOLD	LELC	UCV HOLD	UBJJ HOLD
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Expands the provision for using photographs to all theft cases. (Used to apply only to library theft and shoplifting.) [FN= It is estimated that provisions of this bill can be implemented with existing resources. Provisions of this bill may aid victims of property theft in the recovery of their property.]

HB0140	Child and Family Services and Related Judicial Code Amendments (<i>Christensen</i> Party: R)	CCJJ OPP	USC OPP	USAAV ---	LELC ---	UCV OPP	UBJJ OPP
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[S3 ENROLLED AND VETO] Defines a mature minor as a person less than 18 years of age who reasonably demonstrates the capacity to make reasonable health care decisions on his/her own behalf. A parent/guardian may not be found guilty of neglect for the medical decisions made by a mature minor. Requires the legislative auditor general to complete an audit of child welfare cases prior to the 2005 Annual General Legislative Session, to measure compliance by attorney guardians ad litem with their statutory duties. Adds custody and control to parents' fundamental right and duty to exercise primary control. Requires the Legislative Oversight Panel during the 2004 interim, to study and make recommendations on: (1) the feasibility of requiring the juvenile court to adjudicate an abuse, neglect or dependency allegation prior to ordering a child into protective custody; (2) establishing a right to a jury trial in a juvenile court proceeding for abuse, neglect, or dependency, or to terminate a parent's rights; (3) how to strengthen procedural due process safeguards for the parents; and (4) how to strengthen defense counsel for parents of children taken into protective custody. Strengthens the standard for mandatory reporting of abuse and neglect to "reason to believe and not merely suspect." Requires the juvenile court to recognize the rights of parents and children and the limits placed on DCFS. Clarifies how a petition in juvenile court may be dismissed at any stage of the court proceeding. Modifies language indicating when an attorney guardian ad litem may be appointed. Prohibits a court from removing a minor from the custody of a minor's parents or guardian without giving the parent/guardian notice and an opportunity to be heard, except in clear and verifiable exigent circumstances. Modifies reunification services provisions. Amends the evidentiary standard for the reunification services presumption to beyond a reasonable doubt. Creates a presumption of parent fitness and competence in termination of parental rights proceedings. Specifies that termination of parental rights proceedings are subject of Utah Rules of Evidence. Modifies the conduct considered by the court in determining whether a parent is negligent or unfit. Makes the appointment of an attorney guardian ad litem in chld abuse, neglect, and dependency cases optional. Prohibits a court from appointing an attorney guardian ad litem unless the court finds the best interests of the minor may not reasonably be protected. Modifies the time at which the attorney guardian ad litem may begin representing a child. Specifies that a parent/guardian has the right to object to the appointment of an attorney guardian ad litem. Modifies when a parent/guardian is responsible

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for the costs of an attorney guardian ad litem. Specifies that a parent/guardian may make specified petitions to the court concerning an attorney guardian ad litem. Requires an attorney guardian ad litem to report to the parents/guardian of a child upon a petition by the parents/guardian to the court. Requires an attorney guardian ad litem, if possible, to communicate with the parents/guardian of a minor. Clarifies prohibition on the release of attorney guardian ad litem records. Specifies that an attorney guardian ad litem is bound by all Rules of Professional Conduct regarding client representation. Prohibits an attorney guardian ad litem from making public statements outside of the juvenile court about a child abuse, neglect, or dependency case. Requires each meeting of a child with the child's attorney guardian ad litem be recorded as an audio and video recording. [FN=Higher standards of proof in termination trials and the parental option of choosing a jury trial in District Court will require additional resources: The estimated impact on the Court system is \$626,400 GF. To the Attorney General's office, the impact is estimated at \$157,300 (\$126,000 GF) which includes \$3,000 in one-time expenditures. DCFS would need one additional staff person estimated at \$58,300 (\$47,800 GF), including \$2,500 in one-time costs. Federal revenues would be dependent upon expenditures of state funds. Parents opting to choose a private Guardian Ad Litem would be responsible for that cost.]

HB0140S03	Child and Family Services and Related Judicial Code Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Christensen</i> Party: R)						

[ENROLLED / VETO]

HB0151	Protective Custody of Abused, Neglected, or Dependent Children	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Eric Hutchings</i> Party: R)	OPP	---	---		OPP	OPP

Prohibits a child from being taken into protective custody for abuse, neglect, or dependency except by a peace officer. Authorizes a child welfare worker from DCFS to accompany a peace officer taking a child into protective custody. Requires a peace officer who takes a child into protective custody to immediately notify DCFS. Prohibits a child from being taken into protective custody prior to completion of an investigation by a peace officer under contract with DCFS, except in exigent circumstances. Provides standards for investigations conducted prior to taking a child into protective custody. Authorizes DCFS to contract with peace officers. Authorizes a peace officer under contract with DCFS to access the division's MIS. Requires that investigations of reports that a child within the custody of DCFS has been abused or neglected be conducted by a peace officer.

HB0165	Child Protection Registry	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Styler</i> Party: R)	SUP	SUP	SUP		SUP	SUP

[S1 ENROLLED] Requires the Division of Consumer Protection to establish a registry of contact points for minors (contact point means an electronic identification to which a communication may be sent - email, instant message, telephone, fax). Prohibits certain materials sent to registered contact points. Creates a Class B misdemeanor for a first offense of computer crime; a Class A misdemeanor for each subsequent violations; and a Second Degree felony if the person uses information obtained improperly. Provides for civil and administrative penalties. [FN= Implementation of this bill will require an additional Investigator for the Division of Consumer Protection at a cost of \$78,000 from the Commerce Service Fund (CSF). Spending from the CSF could affect revenue available to the General Fund. It will also require an additional AG at a cost of \$58,000 from the GF. Start up costs of \$30,000 are expected to be donated. This bill has a Legislative Review Note. There may be additional state costs if the bill is challenged in court. For every five convictions under the bill's provisions, local jail and related costs are expected to be \$10,700 annually.]

HB0165S01	Child Protection Registry	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Styler</i> Party: R)						

[ENROLLED]

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HB0169	Mail Theft Amendments (<i>Mike Thompson</i>)	Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
[ENROLLED] Increases the penalty for theft of mail with a value less than \$300, or with value that cannot be ascertained, from a Class B to a Class A misdemeanor.									
HB0171	Insurance Fraud Amendments (<i>James Ferrin</i>)	Party: R	)	CCJJ SUP	USC SUP	USAAV ---	LELC	UCV ---	UBJJ ---
[ENROLLED] Provides for the criminal investigative department/agency to receive restitution for the costs of insurance fraud enforcement. Creates a class B misdemeanor for any title insurer required to report a fraudulent insurance act and fails to do so. Prohibits employing, using, or acting as a runner to engage in fraudulent acts. Prohibits assisting, abetting, soliciting or conspiring with another to commit a fraudulent act; or knowingly supplies false material information in any document or statement required by the Dept. of Insurance.									
HB0174	Forensic Mental Health Amendments (<i>Jack Seitz</i>)	Party: R	)	CCJJ SUP	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ ---
[ENROLLED] Deletes language making DOC responsible for the security of the forensic mental health facility (executive director will now assign). Adds persons undergoing evaluation for competency to the facility population. Adds persons ordered to commit themselves for treatment at the Utah State Hospital as a condition of probation or stay of sentence to the facility population. [FN= Provisions of this legislation can be handled within existing funding.]									
HB0176	Child Restraint Safety Devices (<i>Carol Moss</i>)	Party: D	)	CCJJ NP	USC ---	USAAV ---	LELC NP	UCV ---	UBJJ NP
Amends the requirement for use of a child restraint device in a motor vehicle from a child younger than five, to until the person is at least eight years of age or at least 57 inches tall, whichever occurs first. Requires DPS to set standards for booster seats.									
HB0177	Interference with School Activities (<i>Bradley Last</i>)	Party: R	)	CCJJ HOLD	USC HOLD	USAAV HOLD	LELC HOLD	UCV ---	UBJJ HOLD
Creates the offense of disrupting public or private K-12 school activities by conduct at or near the school and not leaving when requested by the principal or school administrator. Class B misdemeanor for the first and second offense; Class A misdemeanor for any subsequent offenses; unless the violation constitutes another offense subject to a greater penalty. [FN=No fiscal impact.] (See HB199)									
HB0179	Vulnerable Adult Abuse Amendments (<i>Patricia Jones</i>)	Party: D	)	CCJJ SUP	USC SUP	USAAV SUP	LELC ---	UCV SUP	UBJJ ---
[ENROLLED] Provides for a Class B misdemeanor for threatening, intimidating for attempting to intimidate, a vulnerable adult or any person cooperating with an investigation of vulnerable adult abuse. The physician-patient privilege does not constitute grounds for excluding evidence regarding a vulnerable adult's									

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injuries. Includes criminal immunity if the report is made in good faith. [FN=It is estimated that provisions of this bill can be implemented with existing resources.] AMENDMENT: Adult Protective Services will notify the long-term care ombudsman when the report involves a resident of a long-term care facility. Adult Protective Services and the long-term ombudsman shall coordinate, as appropriate, in conducting their investigations.

HB0180	Death Penalty Provisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Sheryl Allen</i>	Party: R)	SUP	SUP	---	SUP	SUP	---

[ENROLLED] Repeals the death by firing squad option and mandates death by lethal intravenous injection when a judgement of death has been imposed. Allows for a defendant to be executed by firing squad if a court holds that the defendant has a right to be executed by firing squad. (see S.B. 25) [FN= No fiscal impact.] AMENDMENT: If a court holds that execution by lethal injection is unconstitutional on its face or as applied, the method of execution shall be a firing squad. Removes the retroactive provision.

HB0183	Conditions for Release after Notice Regarding Arrest for Domestic	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Peggy Wallace</i>	Party: R)	SUP	---	SUP	SUP	SUP	SUP

[ENROLLED] Provides separate notification requirements to the alleged victim and the alleged perpetrator regarding circumstances surrounding the alleged perpetrator's release. Alleged victim receives additional information regarding the court's address, effect of any waiver, and procedures for obtaining civil and criminal protective orders with or without the assistance of an attorney. [FN=It is estimated that provisions of this bill can be implemented with existing resources.]

HB0184	Voyeurism Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Brent Goodfellow</i>	Party: D)	SUP	SUP	---	SUP	SUP	SUP

[ENROLLED] Clarifies that an individual is guilty of voyeurism when he/she views or attempts to view an individual with or without the use of any instrumentality. Clarifies that a person is guilty if they view by any electronic means any portion of an individual's body when that person had a reasonable expectation of privacy. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]

HB0193	Commission on Criminal and Juvenile Justice	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>M. Lawrence</i>	Party: R)	SUP	---	N/P	---	---	SUP

[ENROLLED] Provides for the speaker of the House and the president of the Senate, to appoint the respective legislative member, rather than the governor, to the Commission on Criminal and Juvenile Justice. [FN=No fiscal impact.]

HB0194	Commission on Criminal and Juvenile Justice Membership	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Rosalind McGee</i>	Party: D)	N/P	---	N/P	---	---	N/P

Increases to two legislators from both the House and the Senate to be appointed to the Commission on Criminal and Juvenile Justice. Directs the speaker and the president, rather than the governor, to appoint the respective legislative members. Provides that legislators are not from the same party. [FN= It is estimated that ongoing General Fund appropriations of \$1,700 for the House and \$1,700 for the Senate will be required to implement provisions of this bill.]

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HB0197	Limit on Child Welfare Recommendations and Rulings (<i>Mike Thompson</i> Party: R)	OPP	---	---	---	OPP	OPP
[ENROLLED] Limits factors that may be considered when an agency or court recommends or rules on the custody, placement or other disposition alternative of a minor, or the termination of parental rights. Factors not to be considered include when a parent or guardian (1) legally possesses or uses a firearm or other weapon; (2) espouses particular religious beliefs; or (3) schools the minor(s) outside the public education system. [FN=It is estimated that provisions of this bill can be implemented with existing resources.]							
HB0198S02	Child Welfare Court Reports (<i>Mike Thompson</i> Party: R)	---	---	---	---	HOLD	OPP
[ENROLLED] Requires parties to abuse, neglect or dependency proceeding (occurring after a shelter hearing), to provide in writing to other parties any information they plan to report to the court. Disclosure for dispositional hearings shall be made no less than five days before the proceeding. Termination of parental rights proceedings to be in accordance with Utah Rules of Civil Procedure. All other proceedings, information shall be provided no less than three days before the proceeding. Information obtained after the deadlines will be exempt from disclosure. This provision does not apply to pretrial hearings, nor review hearings for dependency drug court cases. [FN=It is estimated that provisions of this bill can be implemented with existing resources.]							
HB0199S01	Disruption of Activities in or Near School Building (<i>Carol Moss</i> Party: D)	S/C	S/C	S/C	---	---	S/C
[ENROLLED] Creates the offense of interfering with the peaceful activities of a school for K-12 in the absence of a local ordinance or other controlling law governing the conduct, when one's presence or acts, materially disrupts the peaceful conduct of school activities; and remains upon the place after being asked to leave by the chief administrator of that school. Class B misdemeanor for the first and second offense; Class A misdemeanor for any subsequent offenses; unless the violation constitutes another offense subject to a greater penalty. (See HB177) [FN= No fiscal impact.]							
HB0202S01	Mail Order Tobacco Sales Amendments (<i>Eric Hutchings</i> Party: R)	---	---	OPP	---	---	OPP
[ENROLLED] Requires a cigarette retailer who sells mail order cigarettes to require a postal authority or common carrier who delivers the cigarettes to verify the age of the person who accepts delivery of the mail order cigarettes and obtain a signature of the person taking delivery in order to meet the requirement of a face-to-face exchange for the sale of tobacco products in the state. [FN=It is estimated that provisions of this bill can be implemented with existing resources.] AMENDMENT: Include as part of the shipping documents a clear and conspicuous statement providing "This package contains cigarettes: Utah Law prohibits possession of tobacco by individuals under the age of 19."							
HB0210	Law Enforcement Employee Background Checks (<i>Loraine Pace</i> Party: R)	SUP	SUP	---	SUP	SUP	---
[ENROLLED] Allows law enforcement agencies to do extensive background checks on anyone seeking employment with a law enforcement agency. Current law restricts the background checks to a peace officers applicant. Includes training academies to provide information regarding applicants. Allows a law enforcement agency or academy to also request information of any pending or ongoing investigation, or final action, regarding the applicant's certification as a peace officer. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]							

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0222	Robbery Amendments (<i>Craig A. Frank</i> Party:)	SUP	SUP	---	SUP	SUP	SUP
[ENROLLED] Adds intent to deprive the victim of personal property. This bill is in response to a recent Utah Supreme Court case stating that proof of a robbery offense requires proof of an intent to deprive. [FN=No fiscal impact.]							
HB0231S03	Review and Approval of Federal Monies Received by the State (<i>Chad Bennion</i> Party: R)	OPP	---	OPP	---	OPP	OPP
[ENROLLED] Before obligating the state to accept or receive federal funds, within three months of submitting the federal funds application, requires the governor approve all federal funds applications for executive branch agencies. Requires the Judicial Council to approve all federal funds applications for the judicial branch agencies. Requires appropriations subcommittees and the Executive Appropriations Committee review certain federal funds requests. Establishes remedies if state agencies fail to obtain appropriate approvals. Provides for twelve grant exceptions in addition to a federal funds received when a state of emergency is declared by the governor. Requires OPB to prepare annual reports on federal funds requests for each agency and submit to the Legislative Fiscal Analyst. [FN=It is estimated that provisions of this bill can be implemented within existing budgets. Any additional fiscal impact will be dependent on how the provisions of this bill may impact the current flexibility for federal fund applications and the efficiencies that may be created by the additional oversight of the federal fund process.]							
HB0237	Department of Corrections - Therapy Provider Qualifications (<i>Duane Bourdeaux</i> Party: D)	SUP	SUP	SUP	---	SUP	---
[ENROLLED] Provides for DOC only (used to require joint approval with DHS) to approve mental health professionals to conduct evaluations. States that the evaluation to determine if a sex offender may be sentenced to probation in a residential treatment center be conducted prior to the sentencing of the defendant. [FN=No state fiscal impact. Approved mental health care professionals who provide services stipulated in the bill will financially benefit.]							
HB0246	Prohibition of Cross Burning on Property (<i>Neil Hansen</i> Party: D)	SUP	SUP	S/C	---	SUP	SUP
Creates a third degree felony for any person, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, or attempt to burn or cause to be burned, a cross on the property of another, a highway, or any other public place. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]							
HB0258	Prohibiting Cell Phone Use for New Drivers (<i>Carol Moss</i> Party: D)	N/P	N/P	---	---	---	N/P
Creates an infraction for a person younger than 17 years of age from operating a motor vehicle on a highway while the person is using a wireless telephone unless a medical emergency, reporting safety hazards or criminal activity, or requesting assistance. Driver License Division shall assess points against the driving record. [FN=Any workload increase can be handled within existing budgets. Minors charged with this infraction may have to pay fines.]							

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0260	Tobacco Fund Allocation Amendments (Jack Seitz Party: R)	SUP	SUP	SUP	---	---	SUP

[ENROLLED] Changes the tobacco revenue percentage deposited into the Tobacco Settlement Restricted Account to 70% from 7/1/04 through 7/1/06; and to 55% after 7/1/06. Changes the percentage of tobacco revenue deposited into the state's permanent state trust fund to 30% from 7/1/04 until 7/1/06 and to 45% after 7/1/06. [FN=This bill changes the allocation of receipts from the Master Settlement Agreement between the permanent state trust fund and the Tobacco Settlement Restricted Account. The Tobacco Settlement Account would receive \$5.3 million more in FY05 and FY06. Beginning in FY07, the allocation changes again to allow more funds to flow to the restricted account.]

HB0262S01	Penalties for Providing False or Misleading Information in Court (Jeff Alexander Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	S/C	S/C	S/C

[ENROLLED] A person is guilty of a class B misdemeanor if the person, not under oath or affirmation, knowingly gives false or misleading material information to an officer of the court for the purpose of influencing a criminal proceeding. Officer of the court includes: prosecutor, judge, court clerk, interpreter, presentence investigator, probation officer, parole officer and any other person reasonably believed to be gathering sentencing information for the court. This section does not apply to circumstances amounting to obstruction of justice or any other provision carrying a greater penalty. [FN= It is estimated that provisions of this bill can be implemented with existing resources.]

HB0266S01	Revisions to Child Welfare (Wayne Harper Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		OPP	OPP	---	---	OPP	OPP

This 79 page bill amends the child abuse and neglect provisions in the Child and Family Services, Judicial and Criminal codes. The criminal code amends the definition of child abuse to not include unintentional incidents, including unintentional accidents and injuries, unless they were caused intentionally, knowingly, recklessly, or with criminal negligence; and does not include reasonable parental discipline or management of a child with which the child may disagree. Mental cruelty means conduct which causes serious chronic anguish in a child and impairs the child's social and emotional functioning. Allows a parent or guardian to refuse traditional medical or mental health treatment in order for the child to receive nontraditional medical or mental health treatment. The remainder of the bill modifies definitions; specifies that a child's health and safety shall be the primary concern rather than paramount concern. Replaces "severe" with "serious" in references to child abuse and neglect. Amends the evidentiary standards for supporting and substantiating an allegation of child abuse and neglect to clear and convincing. Requires child welfare workers to be trained in their legal duties to protect the rights of children and families; repeals the pilot program for differentiated responses to child abuse and neglect reports. Amends the evidentiary standard for an adjudicative proceeding by DCFS in which a supported finding of child abuse, neglect or dependency is challenged to clear and convincing. Amends the state's recognition of parental rights. Creates a rebuttable presumption for reasonable discipline by a parent. Limits the right of the state to intervene in cases of potential medical or mental health neglect. Eliminates the term "welfare" as a basis for the state's intervention. Expands the notice that must be given parents. Requires DCFS to attempt to develop treatment plans with which parents agree. Specifies parents retain the right to obtain medical and mental health diagnoses for a child in custody of the state. Limits the types of child abuse and neglect for which mandatory reporting is required and for which a child can be removed. Amends the conditions for a court issuing a warrant. Expands access and participation in juvenile court proceedings. Amends the evidentiary standard for continued custody by DCFS beyond protective custody to beyond a reasonable doubt. Modifies the evidentiary standard for the reunification services presumption to beyond a reasonable doubt. Amends the grounds for termination of parental rights. Amends the evidentiary standard for termination of parental rights to beyond a reasonable doubt. Amends the factors used by a court to determine whether to order reunification services. Specifies that a hearing on the termination of parental rights is governed by Utah Rules of Evidence. [FN=DCFS will see a decrease in caseload with budget savings estimated at \$269,100 the first year (\$168,700 GF). These savings would increase in FY06. The Attorney General's office is expecting increased attorney costs for more serious cases, with

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increased costs estimated at \$746,000 (\$611,700 GF) the first year. There may be significant increases in costs to the Court system, but these cannot be quantified at this time. The federal fund revenue would be generated as state funds are expended.]

HB0268	Child Welfare Processes	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Mike Thompson	Party: R)	OPP	OPP	---		OPP	OPP

[S4 ENROLLED] Deletes "in an effort to substantiate evidence of neglect, abuse or dependency" from the definition of protective services. Requires notice to parents of their statutory and constitutional rights before a child abuse, neglect, or dependency investigation. Prohibits a reporter of child abuse from acting as a support person in a preremoval interview. Prohibits a juvenile court from using disability of a parent as a basis for removing a child from the custody of the parent. Imposes district court limits on any juvenile court using a parent's disability as a basis for changing a custody award made in district court. Expands interdisciplinary child protection team membership to include child, parent and family support groups. Makes appointment of a guardian ad litem in child abuse, neglect, and dependency cases optional. Grants a right of refusal to the parent of a minor in the appointment of an attorney guardian ad litem and allows the parent to designate an attorney guardian ad litem, subject to court review. Requires DCFS to accommodate and honor the moral and religious beliefs of those it serves. Requires DCFS to design treatment plans in a manner that minimizes disruption to the normal activities of the child's family. Expands access to juvenile court proceedings. Limits the type of identifying information that may be stricken from a record released by DCFS to specified individuals. Requires recording of ex parte communications between a judge and other parties to an abuse, neglect, or dependency proceeding.

HB0268S04	Child Welfare Processes	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Mike Thompson	Party: R)						

[ENROLLED]

HB0279	Counterfeit Tobacco Products	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Eric Hutchings	Party: R)	---	---	N/P	---	---	N/P

[ENROLLED] Adds "manufacture, import, distribute" to the violations of selling, exchanging or offering cigarettes for sale with a valid license. Amends provisions related to place of business and license requirements. Provides for taxation of cigarettes purchased by nontribal members on Indian lands. Amends stamping procedures. Provides an importer, distributor, or retailer may obtain cigarettes only from a licensed manufacturer. Amends provisions relating to unstamped cigarettes.

HB0289	Alcoholic Beverage Amendments Related to Minors	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Loraine Pace	Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[ENROLLED] Makes it unlawful for a minor to have any measurable blood, breath, or urine alcohol concentration. Exceptions are included for medicinal purposes if the alcoholic beverage or product is furnished by: the parent or guardian of the minor; or the minor's physician or dentist; or as part of a church's or religious organization's religious services. [FN=No fiscal impact.]

HB0312S01	Nonparticipating Tobacco Manufacturer's Fee	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(David Ure	Party: R)	---	---	S/C	---	---	---

[ENROLLED] Designates cigarettes in violation of this section as contraband goods. Levies an equity assessment of 1.75 cents per cigarette on nonparticipating tobacco product manufacturers. The equity assessment will be used to recover health care costs to the state imposed by nonparticipating manufacturers; prevent nonparticipating manufacturers from undermining the state's policy of reducing underage smoking by offering cigarettes for sale

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substantially below the prices of other manufacturers; to protect funding for programs funded under the Master Settlement Agreement; to recoup settlement-payment revenue lost to the state as a result of nonparticipating manufacturer cigarette sales; and to fund enforcement and administration. Establishes collection and reporting procedures and penalties for violations. [Legislative Research and General Counsel notes the possibility of an Equal Protection Clause and Due Process Clause of the 14th Amendment to the US Constitution violation.] [FN=Passage of this bill could increase General Fund revenues by as much as \$680,000. This bill has a legislative review note. There may be additional costs to the state if provisions are challenged in court. If the tax is passed to consumers, certain individuals would see an increase of .35 cents per pack of cigarettes.]

HB0321	Motor Vehicle Registration Revisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Chad Bennion	Party: R)	OPP	OPP	---	---	---	---

Provides that the Motor Vehicle Division shall issue a newly designed general issue license plate on the date the division determines the alphanumeric sequence is exhausted. Provides the current general plates to expire after a newly designed general issue license plate is issued. Allows the division to initiate digital license plate technologies for the design, administration and enforcement of license plate and registration provisions. Creates the License Plate Reissue Fund. Increases the fines for registration violations and dedicates a portion of the fines to pay for license plate reissues. Creates a class B misdemeanor to place or display, or use or permit the use or display, of a license plate or registration card on any vehicle other than the one for which it was issued. Provides for a minimum fine of \$1,000 for this class B misdemeanor violation and prohibits the court from dismissing this action. Allows the court to reduce the fine to \$300 upon verification of proper registration. Increases the penalty from a class C misdemeanor to a class B misdemeanor for operating a motor vehicle, trailer or semitrailer upon the highways without having paid the title and registration or transfer fees and taxes. [FN=Courts would need about \$8,000 GF to reprogram its computers. The bill will generate about \$172,000 in annual revenue to a restricted fund called the "License Plate Reissue Fund." In about 2010 or 2011, all motor vehicle plates would have to be replaced at a cost of \$8,248,000.

HB0322	Golf Carts Allowed on Certain Highways	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Carol Moss	Party: D)	N/P	N/P	---	---	---	---

Creates a class C misdemeanor for persons violating the operation of a golf cart on specified highways in addition to applicable traffic violations. Allows municipalities or counties to allow golf carts on specified highways under its jurisdiction during daylight hours; prohibits golf carts on highways with a speed limit more than 25 miles per hour; provides a golf cart when used on a highway, is considered a motor vehicle for purposes of traffic rules, driver licensing, insurance, registration, titling and taxation; requires a golf car used on the highway be equipped with stop lamps and brakes. [FN= No fiscal impact.]

HB0335	Penalty for Using Fake Identification	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Brent Goodfellow	Party: D)	SUP	SUP	S/C	SUP	SUP	SUP

[ENROLLED] Creates a class A misdemeanor for a person to use false identification with the intent to procure alcoholic beverages or products; gain admittance to where alcoholic beverages or products are sold or consumed; or, obtain employment that may not be obtained by a minor. [FN=No fiscal impact. The bill creates a new class A misdemeanor. There could be additional costs to local governments depending on actual sentencing.]

Bill Number	Title/Sponsor/Summary	Positions					
HB0339	Motor Vehicle Title Requirements (<i>Todd Kiser</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		HOLD	HOLD	---		---	---
Creates a class B misdemeanor for a person who sells or offers for sale a vehicle unless they are: a licensed dealer; the lienholder or owner as evidenced by the name on the certificate of title; a person who has repossessed the vehicle or holder of statutory lien who is selling the vehicle through a licensed dealer auction; a person donating a vehicle to an organization; or, a person selling a vehicle for an immediate family member. Provides that an endorsed certificate of title may not be re-endorsed and re-assigned to a new owner.							
HB0342	Gun Show Background Check (<i>Scott Daniels</i> Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		HOLD	HOLD	---		SUP	HOLD
Requires a background check from a licensed dealer for a firearm purchased at a gun show. Creates a class A misdemeanor upon first conviction and a third degree felony upon any subsequent convictions for any person, other than a licensed dealer, who sells, transfers, purchases, or receives a firearm at a gun show without the background check. [FN=Additional, unquantifiable revenue will flow to the state in the form of a \$7.50 fee for performing the background checks. Those purchasing guns at the gun show will have to pay an additional fee for a background check and may be subject to a handling charge.]							
HB0348	Privacy Amendments (<i>Mike Thompson</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		OPP	OPP	OPP	OPP	OPP	OPP
Prohibits a governmental entity from disclosing private, controlled, or protected records to the Multistate Anti-Terrorism Information Exchange database.							
HB0364	Profits from Sale of Crime Memorabilia (<i>Scott Daniels</i> Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	PRI	SUP
[ENROLLED] Requires that profits gained from the sale of crime memorabilia shall be deposited in the Crime Victim Reparation Fund. Provides that a person who fails to remit the profit is subject to a civil penalty of \$1,000 per item or three times the profit of the item, whichever is greater. [FN=It is estimated that provisions of this bill can be implemented with existing resources. The amount of revenue to be deposited into the Crime Victim Reparation Fund in the future is not known.]							
HJR021	Resolution Demanding State's Participation in Matrix End Immediate (<i>J. Philpot</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		OPP	---	OPP	OPP	OPP	---
This resolution demands that the state of Utah end its participation in Matrix immediately.							
HR0007S01	Driving Under the Influence Resolution (<i>Dana Love</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	SUP	HOLD	SUP	SUP
[ENROLLED] The resolution urges state and local law enforcement and prosecution agencies to review established law regarding the use of required evidence collection in DUI cases; to develop rules, policies, and procedures for DUI cases that are in balance with the rights of an individual under the Constitution of the United States; and offer consistent statewide training to law enforcement officers and prosecutors. [FN=Provisions of this resolution can be handled within existing budgets.]							

Bill Number	Title/Sponsor/Summary	Positions						
		CCJJ	USC	USAAV	LELC	UCV	UBJJ	
SB0016	Identity Theft Amendments (Carlene Walker Party: R)	SUP	SUP	---	SUP	SUP	SUP	
[ENROLLED] Establishes jurisdiction for identity theft prosecution to be either the residence of the victim or the county where the identity was stolen or used; whether one or multiple offenses. Provides for a Class A misdemeanor for unlawful possession of another's identity documents and a Third Degree felony for unlawful possession of multiple identifying documents or assisting another person in obtaining or possessing multiple identifying documents. [FN= It is estimated that the bill requires a General Fund appropriation of \$35,700 in FY05 and an ongoing appropriation of \$47,000 beginning FY06 to DOC.]								
SB0020S01	Driving Under the Influence Amendments (Carlene Walker Party: R)	SUP	SUP	SUP	SUP	S/C	---	
[ENROLLED] Provides if the criminal history or driver license record of a defendant contains a felony conviction or unresolved arrest, a plea may only be accepted if approved by the attorney with felony jurisdiction over the case. Includes definitions for assessment and possible substance abuse program. A plea of guilty or no contest to a violation, which is held in abeyance, is the equivalent of a conviction for purposes of enhancement of penalty, automobile homicide, or expungement. Requires a person be screened and ordered to participate in an assessment, if found appropriate. Defines an education or treatment incentive program to include a screening; an assessment; an educational series or a substance abuse treatment program; regular court reviews for compliance; random drug and alcohol testing; and monthly reports from a substance abuse treatment program if so ordered. A plea to DUI may not be held in abeyance in any case involving a felony or Class A misdemeanor DUI violation. A plea to a class B misdemeanor DUI may not be held in abeyance unless it is due to an education or treatment incentive program, with the program being approved by the district attorney; or evidentiary issues justify resolution of the case. Prohibits a DUI plea from being dismissed or entered as a lesser conviction if the defendant has been convicted of other DUI violations, has any other pleas in abeyance, or operated a vehicle negligently causing bodily injury to another or property damage, has a BAC of .16 or higher, or has a passenger under the age of 18 in the vehicle. Prohibits expungement for automobile homicide and felony DUI. Requires a ten-year waiting period for any person who had a controlled substance in their body and negligently operated a vehicle causing serious bodily injury or death. Requires CCJJ to study the use of DUI pleas in abeyance and report to the Transportation Interim no later than 10/31/05. [FN=It is estimated that provisions of this bill can be handled with existing resources.]								
SB0021	Drug Offenders Reform Act (D. Buttars Party: R)	SUP	SUP	SUP	S/C	S/C	SUP	
Requires substance abuse offenders convicted after July 1, 2004 to be screened and if indicated participate in an assessment. This bill requires USAAV to oversee the implementation. Requires all offenders convicted after July 1, 2005 of any felony offense to be screened and if indicated participate in an assessment. All findings/results to be provided in the PSI to the court prior to sentencing. Requires potential parolees to be screened and if indicated participate in an assessment. [FN=Estimated DOC will require General Funds appropriations of \$490,700 in FY05 and \$548,800 each fiscal year thereafter. Div. of Sub Abuse & Mental Health will require General Funds appropriations of \$447,500 in FY05 and \$776,000 each fiscal year thereafter. State Courts will require ongoing General Funds appropriation of \$94,500 beginning FY05. CCJJ will require ongoing General Funds appropriation of \$50,000 beginning FY05. Specific treatment is not addressed in this fiscal note. Anticipated treatment needs expected from the additional assessments would amount to an additional \$5,300,000 in FY05 and \$10,821,500 in FY06. Research has shown that providing appropriate treatment to individuals with substance abuse problems reduces their reliance on public services and could result in a marginal decrease of public expenditures in criminal justice and public assistance costs at the state and local levels of government. Private providers of screening and assessment services may financially benefit through participation as a result of this bill.]								

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0036	Prevention of Child Access to Firearms (<i>Paula Julander</i> Party: D)	SUP	SUP	SUP	N/P	SUP	NP
Creates a Class B misdemeanor crime for negligent storage of a firearm if a person keeps a dischargeable firearm with ammunition in the chamber, cylinder or magazine within a premise which is under a person's custody or control; they know a minor is likely to gain access without the permission of the minor's parents (guardian); and the minor discharges the firearm causing death or bodily injury to the minor or another person. Provides for an affirmative defense if: (a) the minor obtains the firearm unlawfully; (b) the firearm was kept in a secured locked container; (c) the firearm is carried on a person or within close proximity; (d) the firearm is secured with a locking device; (e) a person is authorized to carry a firearm and the minor obtains the firearm during the performance of the person's duties; (f) the minor obtains or discharges the firearm in self-defense; or (g) a firearm is kept on a person's premises with no reasonable expectation that a minor will be present on the premises. Requires a firearm dealer to provide written warnings of possible prosecution if a minor obtains their firearm (Class C misdemeanor). Creates a civil cause of action for negligent storage of a firearm with a two year statute of limitation. [FN= It is estimated that provisions of this bill can be implemented with existing resources. Wholesale and retail firearms dealers may incur additional costs for signs and tags required by this bill. These costs will likely be passed on to consumers.]							
SB0038	Arson Offense Amendments (<i>Patrice Arent</i> Party: D)	SUP	SUP	---	SUP	SUP	SUP
[ENROLLED] Provides for a second degree felony if as a proximate result of fire or explosives any person not a participant in the offense suffers serious bodily injury. Provides for a third degree felony if any person not a participant in the offense suffers substantial bodily injury; or the fire or explosion endangers human life. [FN= It is estimated that provisions of this bill can be implemented with existing resources.] AMENDMENT: Adds proximate (see above).							
SB0041	Hate Crime Amendments (<i>James Evans</i> Party: R)	HOLD	HOLD	HOLD	HOLD	S/C	HOLD
Provides one degree enhanced penalties for offenses if the defendant selects a victim or property because of bias or prejudice against the victim. Does not allow the trier of fact to base a finding that the defendant acted because of a bias or prejudice against the victim solely on evidence of a defendant's mere beliefs, expressions, or association. Allows the court to impose alternative sanctions as the court finds appropriate. [FN= It is estimated the DOC will require General Fund approp. of \$12,500 in FY05 and \$37,500 each fiscal year thereafter. Additional General Fund approp. may be required after FY06 to deal with lengthier stays of incarceration for offenders of provisions of this bill.]							
SB0049	Competency to Be Executed - Amendments (<i>David Gladwell</i> Party: R)	SUP	SUP	---	SUP	NP	---
[ENROLLED] Defines elements of incompetency to be executed (inmate not aware of impending execution and inmate does not understand the execution is for the committing the crime of murder). Provides a procedure for DOC to give notice to the court if an inmate sentenced to death may be incompetent and for filing a petition for an inquiry. Provides procedures for examining the inmate and for treatment if found to be incompetent. Provides for videotaping of examinations and written reports be submitted to the court. [FN=Provisions of this legislation can be handled within existing budgets.] AMENDMENT: Defines elements of "incompetent to be executed" is if the inmate is unaware the punishment he is about to suffer or why he is to suffer it. Adds if an inmate if found to be incompetent to be executed, appropriate mental health treatment does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.							

Bill Number	Title/Sponsor/Summary		Positions					
SB0062	Stay of Execution Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Thomas</i>	Party: R)	HOLD	HOLD	---	---	OPP	---
[ENROLLED] Provides for a temporary stay of execution if the petitioner files for postconviction relief, representation of counsel, or if counsel enters an appearance to represent the person sentenced to death. Provides for a temporary stay of execution when the person sentenced to death appears to be incompetent or pregnant. Clarifies when temporary suspensions of executions ends.								
SB0063	Witness Tampering Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>D. Butters</i>	Party: R)	SUP	SUP	SUP	SUP	SUP	SUP
[ENROLLED] Moves retaliation provisions from the witness tampering offense into a new section and provides elements of the offense of retaliation against a witness, victim, or informant. A retaliation offense is a third degree felony. A retaliation offense does not merge with other offenses. [FN=It is estimated that provisions of this bill can be handled within existing budgets.]								
SB0071	Safety Belt Enforcement		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Karen Hale</i>	Party: D)	SUP	SUP	---	SUP	---	---
Repeals the provision that makes a seat belt violation for a person 19 years of age or older enforceable only as a secondary action when the person is detained for another offense. This makes a seat belt violation for persons 19 years and older a primary offense. [FN=It is estimated that provisions of this bill will increase General Fund revenues by \$2,400 in FY04 and \$14,400 each fiscal year thereafter. The courts will require GF approp. of \$4,500 in FY04 and \$27,000 each year thereafter to deal with the increased case load.								
SB0072	Disposition of Fines for Registration Violations		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Hickman</i>	Party: R)	SUP	---	---	SUP	---	---
[ENROLLED] Provides for an entity that issues a citation for violation of vehicle registration after establishing residency provision to receive 50 percent of fines and forfeitures collected by the court. [FN= It is estimated that beginning FY05 appx. \$18,000 annually will be diverted from the state General Fund to local governments. It is also estimated that the Utah Highway Patrol will receive General Fund revenues of appx. \$1,200 in FY05 and \$2,400 each fiscal year thereafter. State courts will require a one-time General Fund appropriation in FY05 of \$8,000 to reprogram the CORIS system to make and account for this redistribution.] AMENDMENT: Provides for the above action until July 1, 2007.								
SB0073	Escape Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Thomas Hatch</i>	Party: R)	SUP	SUP	---	SUP	---	SUP
[ENROLLED] Provides for a second degree felony if a volunteer or employee of specific governmental agencies aids in an escape. Clarifies the spelling of trusty. [FN=No fiscal impact.] AMENDMENT: defines the scope of activity considered to be an escape or attempted escape.								

Bill Number	Title/Sponsor/Summary	Positions					
SB0080	Capital Punishment Amendments - Excluded Days (<i>John Valentine</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV ---	UBJJ ---
[ENROLLED] Provides that executions may not be conducted on Sunday, Monday, or a legal holiday. DOC shall determine the hour within the appointed day. [FN= No fiscal impact.]							
SB0084	Party to Felony Offense Enhancement (<i>Michael Waddoups</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
[ENROLLED] Provides for a defendant who is a party to a felony offense where a dangerous weapon was used to be sentenced to enhanced criminal penalties if the trier of fact finds beyond a reasonable doubt that the defendant knew that the dangerous weapon was present. [FN=It is estimated that there will be some fiscal impact after FY06, but current data is not available and it is therefore not possible to quantify.]							
SB0085	Political Activities of Public Entities Amendments (<i>David Thomas</i> Party: R)	CCJJ N/P	USC N/P	USAAV ---	LELC ---	UCV ---	UBJJ N/P
[ENROLLED] Clarifies public entity to include each administrative subunit and includes local health departments. Adds a person or group vested with supervisory authority over the personnel and affairs of a public entity to the public official definition. Provides public officials who violate the act are guilty of a Class B misdemeanor. [FN= No fiscal impact.] AMENDMENT: Includes in the public official definition, the person or groups with supervisory authority over personnel and affairs of a public entity and approves the expenditure of funds for the public entities.							
SB0087	Driver License Certificate Amendments (<i>Carlene Walker</i> Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV ---	UBJJ SUP
[ENROLLED] Prohibits a driver license certificate, a commercial driver license certificate, or an identification card from bearing a social security number. [FN=No fiscal impact.]							
—							
SB0090S04	Medical Neglect - Exclusion (<i>David Thomas</i> Party: R)	CCJJ OPP	USC OPP	USAAV ---	LELC ---	UCV OPP	UBJJ OPP
Establishes that neglect of a child does not include the medical decision of a competent parent who has no prior history of abuse or neglect. A competent parent is defined as a parent who is a reasonable, prudent, and fit care giver toward their child. Nothing in this subsection shall prohibit the state from taking life saving measures when a licensed medical professional finds that without a medically necessary procedure a minor child will suffer death or serious permanent disability within 120 hours of diagnosis. Parents shall retain the right to a second medical opinion. A licensed medical professional shall not be liable for the consequences resulting from the parents failure to follow their professional medical opinions. [FN=The Analyst estimates that DCFS will need \$116,600 (\$95,600 GF) to implement home study evaluations triggered by this bill. This will fund two additional caseworkers, including \$5,000 of one time equipment purchases. For the few cases where a court trial is involved, it is estimated that additional expert witnesses will cost the Attorney General's office about \$25,000 GF annually. DCFS will receive federal funds contingent upon state funding.]							

Bill Number	Title/Sponsor/Summary	Positions					
SB0092	Repeal of Unsolicited Commercial and Sexually Explicit Email Act (<i>Patrice Arent</i> Party: D)	CCJJ SUP	USC SUP	USAAV ---	LELC ---	UCV NP	UBJJ ---
[ENROLLED] Repeals the statue on Unsolicited Commercial and Sexually Explicit Email Act. The federal Spam Bill pre-empts state laws and this section no longer applies. [FN=No fiscal impact.]							
SB0095	Issuing a Bad Check or Draft (<i>Parley Hellewell</i> Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC OPP	UCV OPP	UBJJ OPP
Removes the language that exempted a person from the offense of issuing a bad check if the person makes good on the amount of the check within 14 days of receiving notice the check did not clear. [FN= No fiscal impact.]							
SB0099	Child and Family Services - Standard of Review (<i>Parley Hellewell</i> Party: R)	CCJJ ---	USC ---	USAAV ---	LELC ---	UCV OPP	UBJJ OPP
Requires review hearings of administrative findings relating to child welfare issues (removal or placement of child into state custody; support of child; and findings of abuse or neglect) in the juvenile court to be de novo with no deference to the findings by the administrative law judge; requires clear and convincing evidence as the standard of review. [FN= It is estimated the Dept. Human Services Office of Recovery Service (ORS) will require an ongoing General Funds approp. of \$72,100 beginning FY05. ORS will receive Federal Funds contingent on state funding. Dept. Human Services DCFS will require an ongoing General Funds approp. of \$56,400 beginning FY05. DCFS will also receive Federal Funds contingent on state funding. The Attorney General will require General Funds approp. of \$348,000 in FY05; and ongoing General Funds of \$339,000 beginning FY06. AOC will require an ongoing General Funds approp. of \$223,300 beginning FY05.]							
SB0103	Child Removal Amendments (<i>Parley Hellewell</i> Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC ---	UCV OPP	UBJJ OPP
Requires a showing of serious danger (rather than threat) to a child's safety before the state may obtain custody. Changes the standard of concern for a child's health, safety, and welfare, from paramount concern to primary concern. [FN=Additional litigation costs to the Courts and Attorney General's office is estimated at \$79,100 and \$44,500 respectively. A one-time equipment acquisition of \$3,000 would be needed in FY05 for one additional staff.]							
SB0105	Abuse, Neglect, and Dependency Amendments (<i>Parley Hellewell</i> Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC ---	UCV OPP	UBJJ OPP
Expands the requirements for not placing a child with a parent if the placement would be seriously detrimental to the health and safety of the child; requires DCFS to conduct an independent investigation to locate any relatives willing and able to care for the child and act in accordance with court orders; eliminates the requirement that kinship placement be in the child's best interest, but must satisfy other requirements. Expands the definition of relative to include anyone who has established a significant relationship with the child. Eliminates the time period a relative may obtain custody and be given preferential treatment. [FN= Estimated that DCFS will require a General Funds approp. of \$41,600 in FY05 and ongoing GF of \$40,900 beginning FY06. DCFS will receive Federal Funds contingent on state funding. The Attorney General will require a GF approp. of \$145,000 in FY05 and ongoing GF of \$141,300 beginning FY06. AOC will require ongoing GF approp. of \$69,500 beginning FY05.]							

Bill Number	Title/Sponsor/Summary		Positions					
SB0119	Prosecution Jurisdiction Amendment		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Beverly Evans</i> Party: R)		SUP	SUP	---	SUP	---	---
[ENROLLED] Clarifies procedures for challenging the state's jurisdiction to prosecute an offense. Specifies burdens of proof and the level of proof required to demonstrate whether the state has jurisdiction; addresses jurisdiction issues for diplomatic immunity. [FN= Provisions of this bill can be handled within existing resources.]								
SB0125	Confidentiality of Drug Testing		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Paula Julander</i> Party: D)		---	---	SUP	---	---	---
[ENROLLED] Requires disclosure to DOPL of drug or alcohol test-related information concerning health care providers; identifies when DOPL can use the information; and allows DOPL to examine the employer as a witness regarding the information. [FN=No fiscal impact.]								
SB0126	Amendments to Warrants		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Parley Hellewell</i> Party: R)		OPP	---	---	OPP	OPP	---
Eliminates the juvenile court's authority to issue a warrant authorizing the removal of a minor from a home or to take the minor into protective custody. Requires the juvenile court to determine by clear and convincing evidence that the minor has been abused or neglected by one or both parents or guardian prior to entering an order for removal. Eliminates the consideration that a parent or guardian engages in or threatens the child with unreasonable conduct that causes emotional damage to the child as grounds for removal. [FN=It is estimated that additional hearings and court appeals would impact the courts with about 551 hours of additional court time, at a cost of \$145,300, including additional one-half FTE Guardian Ad Litem. Impact to the AG's office is estimated at \$90,400, including \$2,400 of one-time equipment costs, for one additional AG attorney. Impact to resources of DCFS would be relatively minor (less than one FTE) and can be absorbed.]								
SB0127	Safeguarding Personal Information		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Waddoups</i> Party: R)		SUP	SUP	---	HOLD	---	---
Creates a Class C misdemeanor for persons selling, giving, or receiving government records containing personal information for the purpose of selling or offering for sale any property or service. Provides exceptions if the person complies with policies of the Driver License Division, relating to the disclosure of accident reports, certain Motor Vehicle Division records, or the information deals with a profession or vocation. [FN=It is estimated that provisions of this bill can be handled within existing budgets.]								
SB0130	Restrictions on Use of Unmarked Police Vehicles		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Hickman</i> Party: R)		OPP	---	---	OPP	OPP	---
Clarifies that all law enforcement agencies are subject to restrictions for the use of unmarked vehicles for traffic enforcement. Provides law enforcement vehicles used in traffic enforcement contain identification markings as required on government vehicles and plainly visible from 500 feet. Provides for law enforcement agencies to use an unmarked vehicle for traffic enforcement if part of an organized UHP operation. [FN=It is estimated that provisions of this bill will reduce state General Fund revenues by \$8,300 in FY04 and \$50,000 annually thereafter. Also, it is estimated that local law enforcement jurisdictions will experience a loss in revenues.]								

Bill Number	Title/Sponsor/Summary	Positions					
SB0137	Interstate Compact for Adult Offender Supervision - Application Fe (<i>Karen Hale</i> Party: D)	CCJJ SUP	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ ---
[ENROLLED] Allows DOC to create an application for offenders to transfer out of state; creates a \$50 fee to be placed in a restricted account. Fee will cover the administration of the Interstate Compact. [FN= It is estimated that provisions of this bill may generate up to \$29,000 annually to be deposited into the General Fund Restricted, "Interstate Compact for Adult Offender Supervision Restricted Account," created by the bill. The bill then appropriates the funds to DOC to administer the bill's provisions.]							
SB0140S02	Human Services Licensing Amendments (<i>D. Buttars</i> Party: R)	CCJJ ---	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ SUP
Gives the Department of Human Services and the Office of Licensing the authority to accredit agencies and persons to provide intercountry adoption services. Creates and amends definitions including adding behavior modification, discipline, or emotion growth to the residential treatment" definition. Amends the rulemaking duties of the Office of Licensing. Allows the Office of Licensing to grant a new license after one calendar year from the date the agency notice or final order of revocation and broadens the length of time they may suspend a license. [FN=Provisions of this legislation can be handled within existing budgets. Changes in licensing procedures could have some minor fiscal impact on licensees, both positive and negative.]							
SB0143	Criminal Offense Attempt Amendments (<i>David Gladwell</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ ---
[ENROLLED] Clarifies that an attempt to commit a crime includes situations where the defendant is aware that his actions are reasonably certain to cause a result that is an element of the offense. Clarifies that a defendant's conduct constitutes a substantial step toward committing a crime if the conduct strongly corroborates the defendant's awareness of his actions as described above. [FN= No fiscal impact.]							
SB0158	Criminal Offense Amendments (<i>Gregory Bell</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV NP	UBJJ SUP
[ENROLLED] Repeals the offense of absconding from the criminal code. Amends juvenile offender provisions by defining absconding. [FN=No fiscal impact.]							
SB0167	Victim Restitution Amendments (<i>Gregory Bell</i> Party: R)	CCJJ *SUP	USC *SUP	USAAV *SUP	LELC SUP	UCV PRI	UBJJ *SUP
[ENROLLED] Allows the prosecutor to ask the court, either at the time an information is filed or prior to the filing, to take action to preserve property that might be necessary to satisfy a restitution order. Requires notice and opportunity for a hearing be given to persons having an interest in the property, unless waived by the court under certain conditions. Limits the time period of the order. [FN= Provisions of this bill can be handled within existing budgets.]							

Bill Number	Title/Sponsor/Summary	Positions					
SB0174	Adoption of Uniform Juvenile Compact (<i>David Gladwell</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC ---	UCV ---	UBJJ SUP
Repeals and reenacts the Interstate Compact for Juveniles. Establishes a compact operating authority to administer ongoing compact activity. Provides for gubernatorial appointment of representatives on a national governing commission. Provides rulemaking authority to the governing commission. Provides for the collection of standardized information and information sharing systems. Creates sanctions to support essential compact operations. Allows for the coordination and cooperation with other interstate compacts. Provides for an effective date upon enactment by 35 states. [FN=As the states adopt the Interstate Compact for Juveniles, it is expected that the Commission will assign each state fees for its operating funds, estimated to be at least \$10,000 for Utah.]							
SB0175S02	Protection of Private Lawfully Obtained Property (<i>D. Buttars</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
[ENROLLED] Modifies the Utah Uniform Forfeiture Procedures Act. Provides revenue from forfeited property to ensure law enforcement, crime prevention, and drug courts. Maximizes the benefits of federal asset forfeiture sharing. Repeals the provision for depositing forfeiture proceeds in the Uniform School fund. Clarifies jurisdiction and venue. Clarifies how service of summons and notice of intent shall be made to owner's or interest holders. Provides definitions. Provides the burden of establishing whether the owner or interest holder is criminally responsible for the conduct giving rise to the forfeiture to the prosecuting attorney. Provides for hardship release of seized property. Clarifies award of attorneys' fees and costs. Modifies the standard of proportionality from substantially proportional to grossly disproportional. Provides if an agency receives forfeiture proceeds that equal an amount that is more than 25% greater than the annual budget of the receiving agency, the amount in excess of 125% of the agency's annual budget shall be pass through to CCJJ for grants. Provides for law enforcement agencies to receive federal forfeiture monies since 3/29/01. Reports to be submitted to CCJJ on all federal forfeiture monies. Creates a restricted Criminal Forfeiture Account within the General Fund to be appropriated to CCJJ for implementing the Crime Reduction Assistance Program. Specifies accountability standards in management of forfeited property and the proceeds. Specifies law enforcement purposes for which the proceeds may, or may not, be used. Specifies standards and procedures for allocation of the proceeds to law enforcement agencies by CCJJ. [FN=This legislation could enhance the State and local governments' ability to obtain forfeiture assets, however, the amount is undeterminable. Provisions of the bill can be implemented within existing budgets.]							
SB0179S01	Expedited Appeals in Child Welfare Cases (<i>Lyle Hillyard</i> Party: R)	CCJJ S/C	USC ---	USAAV S/C	LELC ---	UCV SUP	UBJJ S/C
[ENROLLED] Creates an expedited process for appeals from juvenile court orders within 15 days from the entry of order for abuse, neglect, dependency, termination, and adoption proceedings. Sets out requirements for the court to inform the parties of the appeals process. Requires parties to maintain regular contact with their counsel and the court. Repeals the minor and other parties' right to appeal if they were not represented by counsel. [FN=No fiscal impact.]							
SB0192	Loan Transactions Amendments (<i>Michael Waddoups</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ ---
[ENROLLED] Creates a class C misdemeanor for violation of this Act. This bill creates the Pawnshop Transaction Information Act within the Department of Financial Institutions and creates transaction reporting requirements for pawnbroker businesses to report to law enforcement agencies. Requires a central statewide database be established for reported transactions. Specifies the information and identification, including a fingerprint, that a pawnbroker must require in conducting a transaction. Specifies holding periods for pawned articles. Imposes fees on pawnshops and participating law enforcement officers. Requires annual training. Provides for GRAMA protection on certain records. Creates a Pawnshop Advisory Board with CCJJ's executive director appointing							

Bill Number Title/Sponsor/Summary**Positions**

five representatives from the pawnshop industry. Creates a Pawnbroker Operations Restricted Account funded from fees and civil penalties. The Legislature may appropriate funds to the board for costs of training, operation of the central database, operation of the board and costs. Amends the Criminal Code regarding the offense of receiving stolen property to exempt dealers in property who receive it for less than reasonable value from the presumption regarding possession of stolen property; and amends the Code to delete the value limitation regarding pawnbrokers' obligations to obtain information from individuals selling or delivering property to them. [FN=This bill creates the General Fund Restricted - Pawnbroker Operations Restricted Account which is funded from fees and penalties. Financial Institutions will need \$45,500 from that account. Pawnbrokers will pay annual fees of \$250 each to maintain the database. They will incur other costs to comply with the provision of the bill that will vary according to individual circumstances. Local governments will pay \$2 per sworn officer.]

SB0196 Court Fee Adjustments*(David Gladwell*

Party: R)

CCJJ

SUP

USC

HOLD

USAAV

SUP

LELC

SUP

UCV

SUP

UBJJ

HOLD

[S2 ENROLLED] Adds a \$32 security surcharge on criminal convictions and moving violations in justice courts. Allows the justice court to retain 20% of the funds collected. Distributes 62.5% of the remaining 80% of the funds to the counties in which the justice court which remitted the funds is located. Distributes 25% of the remaining 80% of the funds to a restricted account for the AOC to use for security needs in juvenile courts. Creates a new restricted account for the 12.5% of the remaining 80% of the funds for security and technology needs in justice courts. [FN=The bill imposes a \$32 security surcharge on criminal convictions and moving violations in justice courts. It is estimated that the surcharge will increase state revenues by \$2,700,000 annually beginning FY05. The bill appropriates to the AOC: one time FY05 funds of \$1,800,000 from the Court Security Account; and one time FY05 funds of \$900,000 from the newly created Justice Court Technology, Security and Training Account.]

SB0196S02 Court Fee Adjustments*(David Gladwell*

Party: R)

CCJJ**USC****USAAV****LELC****UCV****UBJJ**

[ENROLLED]

SB0218 Law Enforcement Overtime Fund*(James Evans*

Party: R)

CCJJ

*OPP

USC

USAAV

HOLD

LELC

HOLD

UCV

NP

UBJJ

HOLD

Creates the Law Enforcement Overtime Fund, which shall consist of: private contributions, donations, or grants from public or private entities, money appropriated by the Legislature, and interest and earnings on fund monies. CCJJ will administer the Fund. Provides for rulemaking authority to administer the Fund. Administrative costs to be paid from the Fund. Any law enforcement agency in the state may apply for monies for a specified law enforcement project. [FN=It is estimated that provisions of this bill can be handled within existing budgets. It is not possible to determine the amount of funding in future years to be deposited into the restricted special revenue fund known as the "Law Enforcement Overtime Fund" created by the bill.]

SB0219 Amendments to Justice Court Operations*(Ed Mayne*

Party: D)

CCJJ

N/P

USC

USAAV

OPP

LELC

UCV

OPP

UBJJ

[ENROLLED] Allows municipal and county justice courts to be open to transact judicial business for no less than four days per week for at least eleven hours per day.

Bill Number Title/Sponsor/Summary**Positions**

SB0233	Airport Security Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(James Evans	Party: R)	S/C	S/C	S/C	SUP	S/C	---

[S2 ENROLLED] Provides that intentionally or knowingly possessing a firearm or dangerous weapon in an airport secure area is a class A misdemeanor (used to be a class B misdemeanor). Provides that recklessly possessing a firearm in an airport secure area is a class B misdemeanor. Provides that recklessly possessing a dangerous weapon in an airport secure area is an infraction. Provides that possessing a weapon or firearm with criminal negligence in an airport secure area is an infraction. [FN=It is estimated that provisions of this bill can be handled within existing budgets.]

SB0233S02	Airport Security Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(James Evans	Party: R)						

[ENROLLED]

SB0242	Undocumented Workers Driver License Revisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(John Hickman	Party: R)	OPP	---	---		NP	OPP

Allows for the division to make rules for acceptable documentation of an applicant's identity, proof of legal presence and other proof or documentation. Adds the following if applicant does not have a SSN: proof that an applicant is a citizen of a country other than the US, proof that the applicant does not qualify for a SSN; and proof of legal presence in the US as authorized under federal law. Repeals, as a substitute for a SSN, the use of a temporary identification number issued by the IRS for purposes of obtaining a driver license or identification card. (See HB109)